

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE <b>K</b>		PAGE OF PAGES <b>1 19</b>		
2. AMENDMENT/MODIFICATION NO.  <b>0002</b>		3. EFFECTIVE DATE  See Block 16C		4. REQUISITION/PURCHASE REQ. NO. <b>SC0600-01-0325, Amd. 001, 0002</b> <b>SC0600-01-0326, Amd 001</b> <b>SC0600-01-0327, Amd 002</b>		5. PROJECT NO. (If applicable)	
6. ISSUED BY  DEFENSE ENERGY SUPPORT CENTER 8725 JOHN J. KINGMAN RD SUITE 4950 FT BELVOIR VA 22060-6222 BUYER/SYMBOL - <b>Roger Wilson / DESC-BZD</b> PHONE - (703) 767-9310			CODE  SCO600  FAX 703-767-9044  P.P. 1.1b, 1.1d, 1.1i		7. ADMINISTERED BY (If other than Item 6) CODE  SCO600		
8. NAME AND ADDRESS OF CONTRACTOR (NO., street, city, county, State, and ZIP Code)					X		9a. AMENDMENT OF SOLICITATION NO.  <b>SP0600-01-R-0033</b>  9b. DATED (SEE ITEM 11)  <b>19 January 2001</b>  10a. MODIFICATION OF CONTRACT/ORDER NO.   10b. DATED (SEE ITEM 13)
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>							
<p>[ x ] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers [ ] is extended, [X] is not extended</p> <p>Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers.</p> <p><b>FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.</b> If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.</p>							
<b>12. ACCOUNTING AND APPROPRIATION DATA (If required)</b>							
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. <b>IMPORTANT:</b> Contractor [ ] is not, [ ] is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)							
SEE NEXT PAGE							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remain unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME OF CONTRACTING OFFICER  <b>JOY E. MULLORI</b>			
15B. NAME OF CONTRACTOR/OFFEROR  BY _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA  BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED	

1. The following changes are made to the DD 1707:

- a. The JP8 Quantity is decreased by 8,480,000 USG from 327,810,000 USG to **319,330,000** USG.
- b. The JP5 Quantity is decreased by 7,000,000 USG from 62,000,000 USG to **55,000,000** USG.
- c. The F76 Quantity is increased by 5,000,000 USG from 112,000,000 USG to **117,000,000** USG.

2. The following change is made to the Solicitation (prior to the Addendum Package):

Clause I1.04 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS – COMMERCIAL ITEMS (AUG 2000) is deleted and replaced with I1.04 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS – COMMERCIAL ITEMS (FEB 2001) which follows on **page 7**. Note, also, the Contracting Officer's selections are modified to include checks for **52.222-19, Child Labor – Cooperation with Authorities and Remedies (E.O. 13126)** and **52.225-13, Restriction on Certain Foreign Purchases** which are hereby incorporated by reference.

3. The following changes are made to the Addendum Package, Clause B1, for Fuel, Naval Distillate, (F76):

- a. Page A-6, the Total Estimated F76 Quantity is increased by 5,000,000 USG from 112,000,000 USG to **117,000,000** USG.
- b. Quantity for Line Item 0002, DFSP ROTA, is increased by 5,000,000 USG from 40,000,000 USG to **45,000,000** USG.

4. The following changes are made to the Addendum Package, Clause B1, for Gasoline, Auto, Midgrade, 89 AKI, (MUI):

Page A-8, the specification is replaced by EN 228:1999.

5. The following changes are made to the Addendum Package, Section B, for Turbine Fuel, Aviation (JP8):

- a. Page A-9, the Total Estimated JP8 Quantity is decreased by 8,480,000 USG from 327,810,000 USG to **319,330,000** USG.
- b. Quantity for Line Item 0201, DFSP GPSS, UK, is increased by 2,000,000 USG from 92,000,000 USG to **94,000,000** USG.
- c. Quantity for Line Item 0203, RAF LAKENHEATH, is increased by 1,000,000 USG from 37,000,000 USG to **38,000,000** USG.
- d. Quantity for Line Item 0204, RAF MILDENHALL, is increased by 1,000,000 USG from 48,000,000 USG to **49,000,000** USG.

- e. Quantity for Line Item 0205, N. ITALIAN PL SYSTEM, is decreased by 1,000,000 USG from 25,480,000 USG to **24,480,000** USG.
- f. Quantity for Line Item 0206, AVIANO AB, is decreased by 1,000,000 USG from 25,480,000 USG to **24,480,000** USG.
- g. Quantity for Line Item 0207, DFSP ROTA, is decreased by 5,000,000 USG from 39,000,000 USG to **34,000,000** USG.
- h. Quantity for Line Item 0208, to remain at DFSP ROTA, is decreased by 7,000,000 USG from 30,000,000 USG to **23,000,000** USG.
- i. Quantity for Line Item 0209, MORON AB, is increased by 2,000,000 USG from 9,000,000 USG to **11,000,000** USG.
- j. Quantity for Line Item 0210, DFSP CEPS, is decreased by 4,480,000 USG from 87,980,000 USG to **83,500,000** USG.
- k. For Line Item 0210, DFSP CEPS, Le Havre, France is added as an acceptable location for Tanker AND Pipeline entry point into DFSP CEPS. Le Havre, France and Reichstett, Germany are now entry points into the CEPS that require SDA. Narrative for Line Item 0210 now reads as follows:

<u>LINE ITEM</u>	<u>DODAAC</u>	<u>SPLC</u>	<u>LOCATION</u>
0210	WK6SAV	999100001	DFSP CEPS

**QUANTITY** 83,500,000

NOTES:

A. ACCEPTABLE LOCATIONS FOR TANKER ENTRY INTO DFSP CEPS ARE:

- 1. FRANCE: Marseilles, **Le Havre**
- 2. BELGIUM: Antwerp

B. ACCEPTABLE LOCATIONS FOR PIPELINE ENTRY INTO DFSP CEPS ARE:

- 1. FRANCE: St. Baussant, Reichstett, Marseilles, Freyzin, Le Havre
- 2. BELGIUM: Antwerp, Ghent
- 3. NETHERLANDS: Rotterdam
- 4. GERMANY: Lingen

C. LINGEN, ROTTERDAM, ANTWERP, GHENT, LE HAVRE, AND REICHSTETT ENTRY POINTS INTO CEPS REQUIRE SDA.

- l. The Table on page A-14 is hereby deleted and replaced with the table on **page 6**.

6. The following changes are made to the Addendum Package, Clause B1, for Turbine Fuel, Aviation (JP5):

- a. Page A-13, the Total Estimated JP5 Quantity is decreased by 7,000,000 USG from 62,000,000 USG to **55,000,000** USG.
- b. Quantity for Line Item 0301, DFSP ROTA, is decreased by 1,000,000 USG from 7,000,000 USG to **6,000,000** USG.

- c. Quantity for Line Item 0302, DFSP AUGUSTA, is decreased by 5,000,000 USG from 35,000,000 USG to **30,000,000** USG.
- d. Quantity for Line Item 0303, DFSP SOUDA BAY, is decreased by 1,000,000 USG from 20,000,000 USG to **19,000,000** USG.

7. The following change is made to the Addendum Package, Section C, page A-18:

Clause C16.18-21 GASOLINE, AUTOMOTIVE (UNLEADED) (MIDGRADE) (ICELAND) (DESC **JAN 2001**) is hereby deleted and replaced by C16.18-21 GASOLINE, AUTOMOTIVE (UNLEADED) (MIDGRADE) (ICELAND) (DESC **FEB 2001**) which appears on **page 10** of this amendment.

8. The following change is made to the Addendum Package, Table of Contents, page A-2:

G150.05 SUBMISSION OF INVOICES FOR PAYMENT-COMMERCIAL ITEMS (BULK) (DESC JUL 1999) is hereby deleted and replaced by G150.05 SUBMISSION OF INVOICES FOR PAYMENT-COMMERCIAL ITEMS (BULK) (DESC **OCT 2000**).

9. The following change is made to the Addendum Package, Section I, page A-55:

Clause I22-1 CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997) is hereby deleted from the solicitation.

10. The following change is made to the Addendum Package, Section M, page A-64:

Clause EVALUATION OF OFFERS INVOLVING F.O.B. TANKER LOADING (DESC DEC 1997) is hereby deleted and replaced by EVALUATION OF OFFERS INVOLVING F.O.B. TANKER LOADING (DESC **MAR 2001**) which appears on **page 19** of this amendment.

11. The following changes are made to the Addendum Package, Segment II, Section I, page A-68:

- a. Clause I28.01 FEDERAL, STATE, AND LOCAL TAXES (DESC NOV 1993)(DEVIATION) is hereby deleted from the solicitation.
- b. Clause I28.02-1 FEDERAL, STATE, AND LOCAL TAXES/FEES EXCLUDED FROM CONTRACT PRICE (DESC AUG 1997) is hereby deleted from the solicitation.

12. In accordance with Clause M24.05, the time charter hire rate used for evaluation purposes will be **\$20,000**.

13. The following change is made to the Offeror Submission Package:

- a. Clause K1.06 DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER (JUN 1999) is hereby deleted from the solicitation.
- b. Note (1) to the OFFEROR INFORMATION SHEET on page OSP-6 is hereby deleted and replaced with the following note:

(1) FOR EVALUATION PURPOSES ONLY: DESC will add 5 days to offered tanker lift intervals and 3 days to offered barge lift intervals to determine if the maximum total quantity offered for each offered item can be lifted under a resultant contract. **Additionally, if multiple lift intervals are offered, DESC will evaluate the maximum quantity for award based on the most restrictive lift interval.** These evaluation factors were derived from operational scheduling realities and will be used only for evaluation purposes. The Government reserves the right to schedule lifts in accordance with the lift intervals indicated in the Schedule of the resultant contract. If the evaluation of each item results in less total quantity than the total quantity offered for that item, then the Government may not award more than the evaluated total quantity. However, offerors should consider the Government's evaluation factors for tanker and barge lift intervals to assure lift intervals and parcel sizes provide for full evaluation of total offered quantity for all items by all modes of delivery.
- c. Clause K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS – COMMERCIAL ITEMS (ATL 1) (JUN1999/OCT 1998) is hereby deleted from the solicitation and replaced by K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS – COMMERCIAL ITEMS (**FEB 2001**) which appears on **page 11** of this amendment. Please note that if you have already completed the (JUN 1999/OCT 1998) version of this fill-in Clause, you need only complete and submit paragraph (h)(4) which is the last paragraph.

B1 cont'd

RFP LINE ITEM NO.	LOCATION	PARTICULATE CONTAMINATION (PC) MG/L, MAX	FILTRATION TIME (FT) MINUTES, MAX	FSII	CORROSION INHIBITOR (CI)	SDA
0201	UNITED KINGDOM PL SYSTEM					
	ALL ENTRY POINTS	REPORT ONLY	REPORT ONLY	NO	NO	NO(1,3)
0205	NORTHERN ITALIAN PL SYSTEM	1	15	NO	YES	YES
0206	AVIANO AB ITALY	1	15	NO	YES	YES
0207	SPANISH PL SYSTEM	1	15	NO	NO	NO
0208	ROTA, SPAIN	1	15	YES	YES	YES
0209	MORON, SPAIN	1	15	NO	NO	NO
0210	CENTRAL EUROPEAN PL SYSTEM	1	15	NO	NO	Yes (2)
	FREYZIN, FRANCE	1	15	NO	NO	No (2)
	LE HAVRE, FRANCE	1	15	No	No	Yes (2)
	MARSEILLES, FRANCE	1	15	NO	NO	No (2)
	REICHSTETT, FRANCE	1	15	NO	NO	Yes (2)
	ST. BAUSSANT, FRANCE	1	15	NO	NO	No (2)
	ANTWERP, BELGIUM	1	15	NO	NO	YES(2)
	GHENT, BELGIUM	1	15	No	No	YES(2)
	ROTTERDAM, NETHERLANDS	1	15	NO	NO	YES(2)
	LINGEN, GERMANY	1	15	NO	NO	YES(2)
0211	LAJES FIELD, AZORES	1	15	YES	YES	YES
0212	YUMURTALIK TURKEY	1	15	YES	YES	YES
	TURKISH NATO PL TO INCIRLIK AB	1	15	YES	YES	YES

## NOTES:

- (1) Product with SDA is acceptable.  
(2) The minimum conductivity of JP8 entered into these CEPS locations will be 150 pS/m  
(3) SDA can be added up to 3.0 mg/l max per DERD 2494.  
**(A) All JP8 offerors must complete the additive information required in the ADDITIVES chart on Page OSP-5.**  
**(B) No Government additive cost will be added for evaluation.**

**II.04 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS - COMMERCIAL ITEMS (FEB 2001)**

(a) The Contractor shall comply with the following FAR clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

- (1) 52.222-3, Convict Labor (E.O. 11755);
- (2) 52.233-3, Protest After Award (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b), that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components:

**[Contracting Officer must check as appropriate.]**

☒ 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).

☐ 52.219-3, Notice of Total HUBZone Set-Aside (Jan 1999).

☐ 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer).

☐ 52.219-5, Very Small Business Set-Aside (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994). ☐ Alt I. ☐ Alt II.

☐ 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637(d)(2) and (3)).

☐ 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637 (d)(4)).

☐ 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a)(14)).

☐ 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer). ☐ Alt I.

☐ 52.219-25, Small Disadvantaged Business Participation Program - Disadvantaged Status and Reporting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

☐ 52.219-26, Small Disadvantaged Business Participation Program - Incentive Subcontracting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

☒ **52.222-19, Child Labor – Cooperation with Authorities and Remedies (E.O. 13126).**

☐ 52.222-21, Prohibition of Segregated Facilities (Feb 1999).

☐ 52.222-26, Equal Opportunity (E.O. 11246).

☐ 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

☐ 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).

☐ 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

☐ **52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (42 U.S.C. 6962(c)(3)(A)(ii)).** ☐ Alt I (42 U.S.C. 6962(i)(2)(C)).

☐ 52.225-1, Buy American Act - Balance of Payments Program - Supplies (41 U.S.C. 10a - 10d).

☐ 52.225-3, Buy American Act - North American Free Trade Agreement - Israeli Trade Act - Balance of Payments Program (41 U.S.C 10a - 10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note). ☐ Alt I. ☐ Alt II.

☒ 52.225-5, Trade Agreements (19 U.S.C 2501, et seq., 19 U.S.C. 3301 note).

☒ 52.225-13, Restriction on Certain Foreign Purchases (E.O.'s 12722, 12724, 13059, 13067; 13121, and 13129).

☐ 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).

☐ 52.225-16, Sanctioned European Union Country Services (E.O. 12849).

☒ 52.232-33, Payment by Electronic Funds Transfer -- Central Contractor Registration (31 U.S.C. 3332).

☐ 52.232-34, Payment by Electronic Funds Transfer -- Other than Central Contractor Registration (31 U.S.C. 3332).

☐ 52.232-36, Payment by Third Party (31 U.S.C. 3332).

☐ 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a).

☐ 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241). ☐ Alt I.

(c) The Contractor shall comply with FAR clauses in this paragraph (c), applicable to commercial services, which the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

**[Contracting Officer must check as appropriate.]**

☐ 52.222-41, Service Contract Act of 1965, as amended (41 U.S.C. 351, et seq.).

**Subcontracts for certain commercial services may be exempt from coverage if they meet the criteria in FAR 22.1103-4(c) or (d) (see DoD Class Deviation number 2000-O0006).**

☐ 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351 et seq.).

☐ 52.222-43, Fair Labor Standards Act and Service Contract Act - Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351 et seq.).

☐ 52.222-44, Fair Labor Standards Act and Service Contract Act - Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351 et seq.).

☐ 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351 et seq.).

☐ 52.222-50, Nondisplacement of Qualified Workers (E.O. 129333).

(d) **COMPTROLLER GENERAL EXAMINATION OF RECORD.** The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, AUDIT AND RECORDS - NEGOTIATION.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the DISPUTES



clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by any addenda to this paragraph to establish the reasonableness of prices under Part 15), in a subcontract for commercial items or commercial components:

52.222-26, Equal Opportunity (E.O. 11246);

52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212); and

52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).

52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241) (flow down not required for subcontracts awarded beginning May 1, 1996).

(FAR 52.212-5)

**C16.18-21 GASOLINE, AUTOMOTIVE (UNLEADED) (MIDGRADE) (ICELAND) (DESC FEB 2001)**

Product shall conform to EN 228:1999 with the following additional requirements:

(a) **OCTANE REQUIREMENT.** The Government's octane requirement is expressed by the Antiknock Index (AKI). The AKI is the average of the research octane number (RON) and the motor octane number (MON). The minimum AKI values are identified in (b) below.

(b) **PRODUCT CLASSIFICATION.** The product shall be classified as described below:

<u>NATIONAL STOCK NUMBER</u>	<u>PRODUCT NOMENCLATURE</u>	<u>AKI, MINIMUM</u>
9130-01-461-2355	Gasoline, Midgrade Unleaded	89

(c) **VOLATILITY CLASS.** The volatility class shall be class F/F1.

(d) **ADDITIVES.** Additives and additive concentration shall be as specified below. Application for approval of additives not listed below should be made to DESC-BP.

(1) **OXIDATION INHIBITORS.** The gasoline shall contain not less than five pounds nor more than 15 pounds of oxidation inhibitor (active ingredient) per 1,000 barrels of gasoline. Any one of a combination of the following oxidation inhibitors may be used:

- (i) N,N' disecndary butyl-para-phenylenediamine
- (ii) N,N' di-isopropyl-paraphenylenediamine
- (iii) N,N' dioctyl-para-phenylenediamine
- (iv) N,N' -bis-(1,4-dimethylpentyl)-para-phenylenediamine
- (v) N,N' disecndary butyl-ortho-phenylenediamine
- (vi) 2,6-ditertiary-butyl phenol
- (vii) 2,6-ditertiary-butyl-4-methylphenol
- (viii) 2,4-dimethyl-6-tertiary butylphenol
- (ix) Triethylene tetramine di(monononyphenolate)
- (x) Mixed tertiary butylphenols
- (xi) N, secondary butyl, N, pheny-ortho-phenylenediamine
- (xii) Mixed 2,6-dialkyl and 2,4,6-trialkyl phenols (containing mixed hexyl and heptyl groups)
- (xiii) 2,4-ditertiary-butylphenol (60 weight percent minimum) and mixed tertiary butylphenols (40 weight percent maximum)
- (xiv) 2,4-ditertiary-butylphenol (containing mono tritertiary butylphenol)
- (xv) Butylated ethyl phenols (55 weight percent minimum) and butylated methyl and dimethyl phenols (45 weight percent

maximum)

(2) **METAL DEACTIVATORS.** The gasoline shall contain not less than one pound nor more than three pounds of an approved metal deactivator (active ingredient) per 1,000 barrels of gasoline. Any one of the following metal deactivators may be added separately or in combination with an approved oxidation inhibitor:

- (i) N,N' disalicylidene -1,2-ethanediamine
- (ii) N,N' disalicylidene -1,2-propanediamine
- (iii) N,N' disalicylidene -1,2-cyclohexanediamine
- (iv) Disalicylidene-N-methyl-dipropylene-triamine

(3) **CORROSION INHIBITOR.** An approved corrosion inhibitor may be added. Any corrosion inhibitor used shall be a category 1 product that is qualified under MIL-I-25017. The quantity added shall not exceed the maximum approved in the qualified products list (QPL-25017).

(DESC 52.246-9FHW)

**K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALT I)***(JAN 2001/OCT 2000)*(a) **DEFINITIONS.** As used in this provision--

(1) **Emerging small business** means a small business concern whose size is no greater than 50 percent of the numerical size standard for the standard industrial classification code designated.

(2) **Service-disabled veteran-owned small business concern—**

(i) **Means a small business concern—**

*(A) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and*

*(B) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.*

*(ii) Service disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).*

(3) **Small business concern** means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

(4) **Women-owned small business concern** means a small business concern--

(i) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(ii) Whose management and daily business operations are controlled by one or more women.

(5) **Women-owned business concern** means a concern that is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(6) **Veteran-owned small business concern means a small business concern—**

*(i) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and*

*(ii) The management and daily business operations of which are controlled by one or more veterans.*

(b) **TAXPAYER IDENTIFICATION NUMBER (TIN) (26 U.S.C. 6050M).** (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(3) **TAXPAYER IDENTIFICATION NUMBER (TIN).**

[ ] TIN: \_\_\_\_\_

[ ] TIN has been applied for.

[ ] TIN is not required because:

**K1.01-9 CONT'D**

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of a Federal, state, or local government;

☐ Other. State basis. \_\_\_\_\_

**(4) TYPE OF ORGANIZATION.**

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax-exempt);

☐ Corporate entity (tax-exempt);

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049-4;

☐ Other: \_\_\_\_\_.

**(5) COMMON PARENT.**

☐ Offeror is not owned or controlled by a common parent.

☐ Name and TIN of common parent:

Name \_\_\_\_\_

TIN \_\_\_\_\_

(c) Offerors must complete the following representations when the resulting contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. Check all that apply.

**(1) SMALL BUSINESS CONCERN.** The offeror represents as part of its offer that it--

☐ is

☐ is not

a small business concern.

**(2) VETERAN-OWNED SMALL BUSINESS CONCERN.** *(Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents as part of its offer that it—*

☐ is

☐ is not

*a veteran-owned small business concern.*

**(3) SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERN.** *(Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.) The offeror represents as part of its offer that it—*

☐ is

☐ is not

*a service-disabled veteran-owned small business concern.*

**K1.01-9 CONT'D**

**(4) SMALL DISADVANTAGED BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents, for general statistical purposes, that it—

- ☐ is  
☐ is not

a small disadvantaged business concern as defined in 13 CFR 124.1002.

**(5) WOMEN-OWNED SMALL BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents that it--

- ☐ is  
☐ is not

a women-owned small business concern.

**NOTE:** Complete paragraphs (c)(6) and (c)(7) only if this solicitation is expected to exceed the simplified acquisition threshold.

**(6) WOMEN-OWNED BUSINESS CONCERN (OTHER THAN SMALL BUSINESS CONCERN).** (Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents that it -

- ☐ is

a woman-owned business concern.

**(7) TIE BID PRIORITY FOR LABOR SURPLUS AREA CONCERNS.** If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price.

**(8) SMALL BUSINESS SIZE FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM AND FOR THE TARGETED INDUSTRY CATEGORIES UNDER THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.** (Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.)

**(i) (Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs)).** The offeror represents as part of its offer that it--

- ☐ is  
☐ is not

an emerging small business.

**(ii) (Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs)).** The offeror represents as follows:

(A) The offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) The offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

**K1.01-9 CONT'D**

(Check one of the following:)

<u>NUMBER of EMPLOYEES</u>	<u>AVERAGE ANNUAL GROSS REVENUES</u>
<input type="checkbox"/> 50 or fewer	<input type="checkbox"/> \$1 million or less
<input type="checkbox"/> 51 - 100	<input type="checkbox"/> \$1,000,001 - \$2 million
<input type="checkbox"/> 101 - 250	<input type="checkbox"/> \$2,000,001 - \$3.5 million
<input type="checkbox"/> 251 - 500	<input type="checkbox"/> \$3,500,001 - \$5 million
<input type="checkbox"/> 501 - 750	<input type="checkbox"/> \$5,000,001 - \$10 million
<input type="checkbox"/> 751 - 1,000	<input type="checkbox"/> \$10,000,001 - \$17 million
<input type="checkbox"/> Over 1,000	<input type="checkbox"/> Over \$17 million

**(9) (Complete only if the solicitation contains the clause at FAR 52.219-23, NOTICE OF PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS, or FAR 52.219-25, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM - DISADVANTAGED STATUS AND REPORTING, and the offeror desires a benefit based on its disadvantaged status.)**

(i) **GENERAL.** The offeror represents that either--

(A) It--

- ☐ is  
☐ is not

certified by the Small Business Administration as a small disadvantaged business concern and is listed, on the date of this representation, on the register of small disadvantaged business concerns maintained by the Small Business Administration, and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

(B) It--

- ☐ has  
☐ has not

submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

**(ii) JOINT VENTURE UNDER THE PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS.** The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(7)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture: \_\_\_\_\_.

**(10) (Complete if the offeror represented itself as disadvantaged in paragraph (c)(2) or (c)(9) of this provision.)** The offeror shall check the category in which its ownership falls:

- ☐ Black American
- ☐ Hispanic American
- ☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

**K1.01-9 CONT'D**

- ☐ Asian-Pacific American (persons with origin from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).
- ☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).
- ☐ Individual/concern, other than one of the preceding.

**(d) CERTIFICATIONS AND REPRESENTATIONS REQUIRED TO IMPLEMENT PROVISIONS OF EXECUTIVE ORDER 11246.**

**(1) PREVIOUS CONTRACTS AND COMPLIANCE.** The offeror represents that--

**(i) It--**

- ☐ has  
☐ has not

participated in a previous contract or subcontract subject to the EQUAL OPPORTUNITY clause of this solicitation; and

**(ii) It--**

- ☐ has  
☐ has not

filed all required compliance reports.

**(2) AFFIRMATIVE ACTION COMPLIANCE.** The offeror represents that--

**(i) It--**

- ☐ has developed and has on file  
☐ has not developed and does not have on file

at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or

**(ii) It--**

☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**(e) CERTIFICATION REGARDING PAYMENTS TO INFLUENCE FEDERAL TRANSACTIONS (31 U.S.C. 1352).**

**(Applies only if the contract is expected to exceed \$100,000).** By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract.

**(f) BUY AMERICAN ACT - TRADE AGREEMENTS - BALANCE OF PAYMENTS PROGRAM CERTIFICATE.** **(Applies only if DFARS clause 252.225-7007, TRADE AGREEMENTS ACT, is incorporated by reference in this solicitation.)**

**(1) The offeror certifies that--**

**K1.01-9 CONT'D**

- (i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product (as defined in the BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM clause of this solicitation); and
- (ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.
- (2) The offeror must identify and certify all end products that are not domestic end products.
- (i) The offeror certifies that the following supplies qualify as "U.S.-made end products" but do not meet the definition of "domestic end product":

\_\_\_\_\_  
(Insert line item no.)

- (ii) The offeror certifies that the following supplies are qualifying country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

- (iii) The offeror certifies that the following supplies are qualify as designated country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

- (iv) The offeror certifies that the following supplies qualify as Caribbean Basin country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

- (v) The offeror certifies that the following supplies qualify as NAFTA country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

- (vi) The offeror certifies that the following supplies are other nondesignated country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

(LIST AS NECESSARY)

- (3) Offers will be evaluated by giving preference to U.S.-made end products, qualifying country end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products over other end products.

**(g) BUY AMERICAN ACT - NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) IMPLEMENTATION ACT - BALANCE OF PAYMENTS PROGRAM CERTIFICATE. (Applies only if DFARS clause 252.225-7036, NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) IMPLEMENTATION ACT, clause is incorporated by reference in this solicitation.)**

- (1) The offeror certifies that--

- (i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product (as defined in the BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM clause of this solicitation); and
- (ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.
- (2) The offeror must identify and certify all end products that are not domestic end products.



**K1.01-9 CONT'D**

(i) The offeror certifies that the following supplies qualify as "U.S.-made end products," but do not meet the definition of "domestic end products":

\_\_\_\_\_  
(Insert line item number)

(ii) The offeror certifies that the following supplies are qualifying country (except Canada) end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

(iii) The offeror certifies that the following supplies qualify as NAFTA country end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

(iv) The offeror certifies that the following supplies are other non-NAFTA country end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

(LIST AS NECESSARY)

(3) Offers will be evaluated by giving preference to U.S.-made end products, qualifying country end products, or NAFTA country end products over other end products.

**(h) CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY FOR AWARD (EXECUTIVE ORDER 12549).**

The offeror certifies, to the best of its knowledge and belief, that--

(1) The offeror and/or any of its principals

☐ are

☐ are not

presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency,

and

(2) ☐ have

☐ have not,

within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local government contract or subcontract ; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property;

(3) ☐ are

☐ are not

presently indicted for, or otherwise criminally or civilly charged by a government entity with, commission of any of these offenses;

and

**K1.01-9 CONT'D**

*(4) (i) The offeror, aside from the offenses enumerated in paragraphs (1), (2), and (3) of this paragraph (h),*

*[ ] has*

*[ ] has not*

*within the past three years, relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—*

*(A) Been convicted of a Federal or State felony (or has any Federal or State felony indictments currently pending against them); or*

*(B) Had a Federal court judgment in a civil case brought by the United States rendered against them; or*

*(C) Had an adverse decision by a Federal administrative law judge, board, or commission indicating a willful violation of law.*

*(ii) If the offeror has responded affirmatively, the offeror shall provide additional information if requested by the Contracting Officer.*

(FAR 52.212-3/Alt I)

**M24.03 EVALUATION OF OFFERS INVOLVING F.O.B. TANKER LOADING (DESC MAR 2001)**

(a) Transportation will be considered in the evaluation of all origin offers unless the solicitation specifically indicates otherwise in the Schedule. The transportation rate will be based on a nominal size foreign flag tanker of approximately 30,000 Deadweight Tons (DWTs) and will be inclusive of time charter hire. The Time Charter Hire will be based on the average of the estimated market rate for a foreign flag time charter as determined by the Military Sealift Command. The rate will be in effect or become effective before the expected date of the initial shipment. This evaluation rate will be expressed to DESC as a daily rate for foreign flag time charter cost inclusive of fuel. DESC will use the evaluation rate along with round trip mileage over the tanker routes being evaluated to compute a transportation rate expressed in U.S. cents per gallon. This rate will then be added to the offered price per gallon to determine the evaluated price.

(b) DESC will not evaluate offers for JP5, JP8, or F76 on the basis of a two-product load.

(c) For JP5/JP8/F76. The following procedures will be followed in applying transportation freight rates to offers in the evaluation process:

(1) No freight rate will be computed/evaluated from any source to a destination/interim terminal in the same port area.

(2) 235,000 barrels of product will be considered sufficient to fully utilize vessels 30,000 DWTs and over. In the initial evaluation, every offer will be evaluated with this full tanker rate.

(3) All offers that evaluate, as the lowest laid down cost in the initial evaluation are verified that a full tanker parcel size as stated in Paragraph (c)(2) above has been offered. In the event an offeror limits its offer to individual tanker loadings of less than 235,000 barrels, the offer will be evaluated on the basis of (i) a single-port load plus shifting charges if it is determined that the same product will be available in the same port area, (ii) the least expensive two-port loading rate if it is determined that the same product will not be available in the same port area but will be available in another port in the same geographical area under this solicitation, or (iii) total vessel freight rate prorated over the maximum parcel size offered if there are no other products offered for tanker loading in the same geographical area. The additional costs represented by the shifting charge or the two-port loading will be assessed for evaluation purposes against such offer on a prorated basis per gallon on the quantity indicated by the offeror as the maximum lifting.

(d) For Mogas. The following procedures will be followed in applying transportation freight rates to offers in the evaluation process:

(1) No freight rate will be computed/evaluated from any source to a destination/interim terminal in the same port area.

(2) 235,000 barrels of product will be considered sufficient to fully utilize vessels 30,000 DWTs and over. In the initial evaluation, every offer will be evaluated with this full tanker rate.

(3) The Government will load no more than 15,000 barrels of Mogas per shipload. All offers will be evaluated assuming a maximum loading of 15,000 barrels of Mogas. All offers that evaluate, as the lowest laid down cost in the initial evaluation are verified that a full tanker parcel size as stated in Paragraph (d)(2) above has been offered. If the offeror limits the loading of Mogas to less than 15,000 barrels, the offeror's smaller volume will be used. Mogas will be evaluated on the basis of joint loading with other products (with a maximum parcel size up to the quantity required to fill the vessel to 235,000 barrels) as follows: (i) a single-port load plus shifting charges if it is determined that other products under the solicitation will be available in the same port area, (ii) the least expensive two-port loading rate if it is determined that other products will not be available in the same port area but will be available in another port area in the same geographical area under this solicitation, or (iii) total vessel freight rate prorated over the maximum parcel size offered if there are no other quantities of other products offered for tanker loading in the same geographical area. The additional costs represented by the shifting charge or the two-port loading will be assessed for evaluation purposes against such offer on a prorated basis per gallon or per barrel based on the quantity indicated by the offeror as the maximum lifting.

(e) If an offeror takes exception to Clause F1.25, DELIVERY AND ORDERING PERIODS, paragraph (e) by refusing to accumulate pro-rata to equal maximum parcel size offered, then the evaluated volume will be the pro-rata volume corresponding to that portion of the offer that evaluated low in the initial evaluation.

(DESC 52.247-9F40)